

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**FAZAIL AZIZAN,**

**Plaintiff,**

**v.**

**BMF IV EDGEWATER LLC,**

**Defendant.**

**CIVIL ACTION FILE**

**NO. 1:22-CV-4074-MHC**

**ORDER**

This case comes before the Court on Plaintiff's Motion to Compel Defendant to Participate in Rule 26(f) Conference, or, Alternatively, for Order Permitting Plaintiff to Seek Discovery ("Motion to Compel") [Doc. 8].

The Motion to Compel was filed in violation of this Court's Standing Order Regarding Civil Litigation [Doc. 3], which provides in pertinent part as follows:

Notwithstanding Local Rule 37.1, prior to filing any motion related to discovery, including but not limited to a motion to compel discovery to quash a subpoena, for a protective order, or for sanctions (with the exception of unopposed, consent, or joint motions to extend the discovery period), the movant, after conferring with the respondent in a good-faith effort to resolve the dispute by agreement, must contact Ms. Enix [the judge's courtroom deputy] to notify her that there is a discovery dispute. Ms. Enix will then schedule a conference call in which the Court will attempt to resolve the matter without the necessity of a formal motion, and a court reporter will be provided by the Court

to take down the conference call. The Court will request that each side submit a brief, one-page statement of the issues in advance of the conference call.

Standing Order at § II(G)(3) (emphasis added).

Consequently, based upon this Court's Standing Order, Plaintiff must make a good faith effort to confer with Defendant to resolve their dispute prior to this Court's involvement.<sup>1</sup> If that effort fails, Plaintiff should contact Ms. Enix to notify her that there is a discovery dispute in accordance with the procedures established in this Court's Standing Order.

Based on the foregoing, Plaintiff's Motion to Compel [Doc. 8] is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED** this 3rd day of January, 2023.



MARK H. COHEN

United States District Judge

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<sup>1</sup> According to the Motion to Compel, Plaintiff has sent one email to Defendant's counsel seeking a date for a Rule 26(f) conference [Doc. 8-1], which has purportedly gone unanswered. There appears to have been no further efforts made to resolve this dispute.